



W.P.(MD) No.24667 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date of Reserving the Order	Date of Pronouncing the Order
25.09.2025	12.12.2025

CORAM:

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD) No.24667 of 2025

and

W.M.P.(MD) Nos.19363 & 19368 of 2025

The Secretary,
St., Joseph's College (Autonomous)
Tiruchirapalli – 625 002.
Tiruchirapalli District.

... Petitioner

-vs-

1.The State of Tamil Nadu,
Rep., by its Principal Secretary,
Department of Higher Education,
Fort St., George, Chennai – 600 009.

2.The Commissioner of Collegiate Education,
Saidapet, Chennai – 600 015.

3.The Joint Director of Collegiate Education,
Tiruchirapalli Region, Tiruchirapalli,
Tiruchirapalli District. - 620 023.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue



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a writ of certiorarified Mandamus to call for the records relating to the impugned proceedings issued by the third respondent in Na.Ka.No. 1610/E3/2024, dated 11.06.2025, quash the same, and further direct the third respondent Joint Director to approve forthwith the appointment of 16 non-teaching staff (name list annexed) in the petitioner's college and disburse the grant-in-aid towards their salary and allowances w.e.f., the date of their appointment viz., and pass such further other suitable orders.

For Petitioner : Mr.K.Ragatheesh Kumar for
M/s.Issac Chambers

For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader

ORDER

This Writ Petition had been filed to quash the impugned proceedings issued by the third respondent in Na.Ka.No.1610/E3/2024, dated 11.06.2025 and further direct the third respondent Joint Director to approve forthwith the appointment of 16 non-teaching staff (name list annexed) in the petitioner's college and disburse the grant-in-aid towards their salary and allowances w.e.f., the date of their appointment.

2. Heard Mr.K.Ragatheesh Kumar, the learned counsel appearing for the petitioner and Mr.N.Satheesh Kumar, learned Additional Government Pleader



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appearing for the respondents.

3.The learned counsel for the petitioner submits that the petitioner-college is a minority educational institution established in the year 1844. The petitioner-college is owned and administered by the registered Society of St. Joseph's College, Trichy, and is affiliated to Bharathidasan University. He submits that the petitioner-college has 3,650 students, 151 teaching staff, and 60 non-teaching staff. He further submits that, as per the norms fixed by the first and second respondents, the petitioner-college was sanctioned 60 non-teaching posts under the Aided Scheme, out of which 16 non-teaching posts fell vacant in recent years. He states that these sanctioned posts were subsequently filled with qualified candidates.

4. He further submits that thereafter, the petitioner-college submitted proposals to the third respondent on 16.04.2025 seeking approval of the said appointments and disbursement of grant-in-aid towards their salaries. However, the third respondent, by order dated 11.06.2025, refused to consider the proposal on the ground that Group-D category posts should be filled only through



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outsourcing and on a contractual basis, in view of the amendments made under G.O.(Ms) No.66, Higher Education (D2) Department, dated 03.04.2025.

5. He submits that the impugned order is wholly arbitrary, unreasonable, unconstitutional, and void. He further submits that the third respondent failed to appreciate that the appointments were made to sanctioned posts, which squarely fall within the administrative domain of a minority institution. He also submits that the Government Order came into force only on 23.04.2025, which is subsequent to the appointment orders. Therefore, he contends that the amendments cannot be given retrospective effect unless it is expressly made retrospective. Hence, he prays that the impugned order be quashed.

6. Countering the arguments of the learned counsel for the petitioner, the learned Additional Government Pleader for the respondents submits that G.O. (Ms.) No.66, Higher Education (D2) Department, dated 03.04.2025, was issued to amend Rule 11 of the Tamil Nadu Private Colleges (Regulation) Rules, in order to give effect to the directions contained in G.O.(Ms.) No.49, Personnel and



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Administrative Reforms (F) Department, dated 14.05.2002, and G.O.(Ms.) No. 219, Higher Education (D1) Department, dated 24.10.2013. He further submits that the amendments made by G.O.(Ms.) No.66 mandates that Group-D category posts be filled only through outsourcing and on a contractual basis.

7. He submits that, in view of the above Government Order, the third respondent has rightly refused to consider the approval of the appointments made by the petitioner-college, as reflected in the impugned order. Therefore, he contends that no interference by this Hon'ble Court is warranted. Hence, he prays to dismiss the writ petition.

8. I have considered the submission of the learned counsel for the respective parties and perused the materials available on record.

9. Before adverting to the facts of the case, it is pertinent to examine the standards governing the appointment of staff in private educational institutions under the Tamil Nadu Private Colleges (Regulation) Act, 1976, and the Rules framed thereunder. In this regard, the Government has issued several orders.



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Among them, G.O.(Ms.) No.49, Personnel and Administrative Reforms (F) Department, dated 14.05.2002, stipulates that Group-D category posts should be filled only through outsourcing and on a contractual basis. G.O.(Ms.) No.219, Higher Education (D1) Department, dated 24.10.2013, mandates that prior permission must be obtained for such appointments.

10. It is further noted that a Division Bench of this Court, in *Government of Tamil Nadu & Others v. Ramaswamy Tamil College*, reported in 2025:MHC:889, considered the challenge to G.O.(Ms.) No.49, Personnel and Administrative Reforms (F) Department, dated 14.05.2002. The Hon'ble Division Bench categorically held that the said Government Order shall not apply to Private Aided Educational Institutions in the State of Tamil Nadu, which are governed by two special legislation the Tamil Nadu Private Colleges (Regulation) Act, 1976, and the Tamil Nadu Recognised Private Schools (Regulation) Act, 1973. The said judgment has attained finality, as no appeal was preferred against it.

11. It is also brought to notice that G.O.(Ms.) No.219, Higher Education



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(D1) Department, dated 24.10.2013, was quashed by a learned Single Judge of this Court, which decision was subsequently affirmed by the Division Bench as well as the Hon'ble Supreme Court. The Courts have thus made it clear that private educational institutions are not required to obtain prior permission for appointments made to sanctioned posts. When one Government Order forming the basis of G.O.(Ms.) No.66 has been quashed and another has been held to be inapplicable to private educational institutions, the very application of G.O.(Ms.) No.66, Higher Education (D2) Department, dated 03.04.2025, which pertains to the amendment of Sub Rule 3 of Rule 11 of the Tamil Nadu Private Colleges (Regulation) Act to the private institutions is impossible.

12. Be that as it may, by virtue of G.O.(Ms.) No.66, a provision was inserted into sub-rule (3) of Rule 11 of the Tamil Nadu Private Colleges (Regulation) Rules. Rule 11 pertains to the functions of the College Committee constituted under Section 11 of the Tamil Nadu Private Colleges (Regulation) Act, 1976. However, Sections 11 of the parent Act expressly exclude minority institutions which would mean further provisions of Section 12 to 14 of the Act



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also do not apply to minority institutions. Consequently, when the substantive provisions of the parent Act do not apply to minority institutions, the subordinate Rules framed under those provisions, including Rules 8 to 11, cannot be applied to them.

13. Further, as rightly contended by the learned counsel for the petitioner, G.O.(Ms.) No.66 amending the rules came into force only after the issuance of the appointment orders by the petitioner college. Hence, the said amendment cannot be given retrospective effect unless such retrospective operation is clearly expressed.

14. In view of the foregoing observations, this Court is of the considered view that the amendment made under G.O.(Ms.) No.66, Higher Education (D2) Department, dated 03.04.2025, is not applicable to the petitioner college. Consequently, the impugned order passed by the third respondent based on the said Government Order is liable to be set aside.

15. In fine, the writ petition is allowed. The impugned order dated



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11.06.2025 passed by the third respondent is set aside. The respondents are directed to approve the appointments made by the petitioner college in respect of the 16 sanctioned posts within a period of four weeks from the date of receipt of this order. There shall be no order as to costs. Connected miscellaneous petitions are closed.

12.12.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To:

- 1.The State of Tamil Nadu,
Rep., by its Principal Secretary,
Department of Higher Education,
Fort St., George, Chennai – 600 009.
- 2.The Commissioner of Collegiate Education,
Saidapet, Chennai – 600 015.
- 3.The Joint Director of Collegiate Education,
Tiruchirapalli Region, Tiruchirapalli,
Tiruchirapalli District. - 620 023.



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K.KUMARESH BABU, J.

Pbn

PRE-DELIVERY ORDER

IN

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and

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